

MAILED TO COUNSELUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
GEORGE R. GREEN,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner,Defendant.
-----X

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: 7/26/12

: 08 Civ. 8435 (LAP) (FM)

: ORDER ADOPTING REPORT &
: RECOMMENDATION

LORETTA A. PRESKA, Chief United States District Judge:

Plaintiff brought this action pursuant to Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), to seek review of the Social Security Administration denying his application for disability insurance benefits. The Commissioner has moved for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c). On April 24, 2012, Magistrate Judge Maas issued an exhaustive Report and Recommendation, concluding that the Commissioner's motion should be granted in part and denied in part. To date, the Court has received no objections from either party.

Having found Judge Maas's analysis to be correct and appropriate upon de novo review, see Fed. R. Civ. P. 72(b), the Report and Recommendation is hereby adopted. Accordingly, the Commissioner's motion [dkt. no. 8] is granted in part and denied in part. The case is remanded

solely to develop the record below and resolve the apparently inconsistent findings with respect to Plaintiff's residual functional capacity ("RFC") and the availability of jobs consistent with that RFC.

The Clerk of the Court shall mark this action closed and all pending motions denied as moot. The Court shall retain jurisdiction over this matter, however, for the purpose of any appeal from further findings by the Administrative Law Judge.

SO ORDERED.

Dated: July 25, 2012


LORETTA A. PRESKA
Chief U.S. District Judge